

October 6, 2005

Christopher M. Kaisershot
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Re: In the Matter of Sean Schimmelman and Jennifer Schimmelman,
individually and d/b/a Sean Schimmelman Contracting, a/k/a Up
North Custom Homes, Inc.
OAH Docket No. 3-1902-16789-2

Dear Counsel:

This letter constitutes the Prehearing Order concerning matters discussed in the prehearing conference held on October 5, 2005. Mr. Kaisershot appeared for the Department of Labor and Industry; Mr. Albright appeared for the Schimmelmans and their companies (collectively the Respondents). The Respondents contend that in addition to the discipline issues identified in the Notice and Order for Hearing, they intend to appeal the Cease and Desist Order issued August 24, 2005, and that the appeal is timely because the Department failed to serve them effectively with the Cease and Desist Order. The Department maintains the attempt to appeal the Cease and Desist Order is untimely. The parties will brief this issue pursuant to the schedule below. Please note that due to a conflict in my schedule I had to change the hearing date from December 6-7, 2005, which is what we discussed during the prehearing conference, to December 7-8, 2005.

The following deadlines apply in this case:

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| October 19, 2005: | Deadline for the Respondents to file a Motion to Appeal the Cease and Desist Order. |
| November 2, 2005: | Deadline for the Department to respond to the motion. |
| November 30, 2005: | Deadline for exchanging exhibits and witness lists. The witness lists shall contain a brief summary of the expected testimony of each witness. |

December 7-8, 2005: Hearing, commencing at 9:30 a.m. at the Office of Administrative Hearings.

Sincerely,

KATHLEEN D. SHEEHY
Administrative Law Judge

Telephone: (612) 341-7602

cc: Docket Coordinator